

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF FLORIDA**  
**TAMPA DIVISION**

UNITED STATES OF AMERICA,

**Case No. 8:03-CR-77-T-30TBM**

v.

SAMI AMIN AL-ARIAN, et al.,

Defendants.

\_\_\_\_\_/

**EMERGENCY MOTION TO ALLOW SAMI AL-ARIAN TO REMAIN AT  
HILLSBOROUGH COUNTY JAIL TO CONTINUE REVIEW OF DISCOVERY  
EVIDENCE**

COMES NOW, the accused, SAMI AMIN AL-ARIAN, by and through his undersigned counsel, and moves this Honorable Court for the entry of an Order allowing DR. AL-ARIAN to remain at Orient Road Jail in order to complete his review of discovery evidence in consultation with his counsel. As grounds for the foregoing, counsel offers the following:

1. The accused is currently confined in the Hillsborough County Jail at Orient Road, where he has been reviewing so-called original evidence seized from his home and offices in 1995 and 2003.
2. According to the F.B.I., over 400,000 pages of documents, along with approximately 600 videotapes comprise the plethora of evidence the government seized from the Accused.

3. Defense counsel, in coordination with the F.B.I., has been allowed to review the original evidence at the Hillsborough County Jail, in the attorney-client visiting room in the presence of an F.B.I. agent and a co-defendant.
4. There is a termination time of review imposed by the F.B.I. agent on duty of between 3:30 and 4:00 p.m.
5. In the past six (6) weeks, defense counsel has consulted with Dr. Al-Arian on twenty-two (22) separate occasions in an attempt to finish substantive review before he is transported back to USP Coleman.
6. This process has been invaluable in the preparation of Dr. Al-Arian's defense; however, it is incomplete.
7. The restrictions upon Dr. Al-Arian at USP Coleman prohibit the following:
  - a) Any video review;
  - b) Any visitation past 3:00 p.m. (Coleman Prison is 80 miles north of Tampa).
  - c) Any substantive review of voluminous documents because of a written prohibition against any more than ½" of documents allowed in the attorney-client room;
8. These restrictions make it virtually impossible for defense counsel to conduct a meaningful and thorough review of the remaining evidence with the Accused.
9. As of this writing, the following categories of evidence are left for review with counsel and the Accused:
  - a) 1B 70- 1B125 Files;

- b) 1A Files;
- c) 1B Files from 2003;
- d) 20 Video Tapes from 2003;
- e) 50 Video Tapes from 1995.

10. In the last several days, defense counsel's time and attention has been diverted away from this document review and to the preparation of numerous motions.

11. It is reasonable to expect that another 3 to 4 weeks would be required to complete the review of both the documentary and video evidence.

**WHEREFORE**, the Accused respectfully requests this Honorable Court grant this motion and enter an Order to allow Dr. Al-Arian to remain at Orient Road County Jail until he finishes his evidentiary review in consultation with defense counsel.

Dated: October 29, 2004

Respectfully Submitted,

/s/Linda Moreno

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of October, 2004, a true and correct copy of the foregoing has been furnished, by CM/ECF, to Walter Furr, Assistant United States Attorney; Terry Zitek, Assistant United States Attorney; Kevin Beck, Assistant Federal Public Defender, M. Allison Guagliardo, Assistant Federal Public Defender, counsel for Hatim Fariz; Bruce Howie, Counsel for Ghassan Ballut, and by U.S. Mail to Stephen N. Bernstein, P.O. Box 1642, Gainesville, Florida 32602, counsel for Sameeh Hammoudeh.

/s/ Linda Moreno  
Linda Moreno  
Attorney for Sami Al-Arian

